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THE DECLARATION OF THE ESTATES OF THE KINGDOM OF *SCOTLAND*, CONTAINING THE CLAIM OF RIGHT; AND THE OFFER OF THE CROWN TO THEIR MAJESTIES KING *WILLIAM* and QUEEN *MARY*.

EDINBURGH, M DCC LXXIX.

[Price Three halfpence.]

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SUBMITTED BY THE PUBLISHER,

ON THE PRESENT ALARMING CRISIS,

TO THE RIGHT HONOURABLE

THE SIXTEEN SCOTS PEERS,

AND THE HONOURABLE

FORTY-FIVE SCOTS COMMONERS,

WHO HAVE SEATS IN

THE BRITISH PARLIAMENT.

And earneſtly recommended to their ſerious conſideration, as well as to the attention and conſideration of the whole PROTESTANT INHABITANTS of *Scotland*, as their MAGNA CHARTA, or Charter of RELIGIOUS and CIVIL LIBERTY, ſecured to the Nation, not only by the CLAIM OF RIGHT itſelf, but by the TREATY OF UNION.

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DECLARATION

OF THE ESTATES OF THE KINGDOM OF SCOTLAND,

CONTAINING THE

CLAIM OF RIGHT, &c.

April 11. 1689.

WHEREAS King James the Seventh, being a profeſt Papiſt, did aſſume the regal power, and acted as king, without ever taking the oath required by law, whereby the king at his acceſs to the government, is obliged to ſwear, to maintain the Proteſtant religion, and to rule the people according to the laudable laws; and did, by the advice of wicked and evil counſellers, invade the fundamental conſtitution of this kingdom, and altered it from a legal limited monarchy, to an arbitrary deſpotick power; and in a publick proclamation, aſſerted an abſolute power, to caſs, annul and diſable all the laws, particularly arraigning the laws eſtabliſhing the Proteſtant religion; and did exerce that power, to the ſubverſion of the Proteſtant religion, and to the violation of the laws and liberties of the kingdom;

By

By erecting publick ſchools and ſocieties of the Jeſuits; and not only allowing maſs to be publickly ſaid, but alſo inverting Proteſtant chapels and churches to publick maſs-houſes, contrary to the expreſs laws againſt ſaying and hearing of maſs:

By allowing popiſh books to be printed, and diſperſed by a gift to a popiſh printer; deſigning him Printer to his Majeſty's houſhold, colledge and chapel, contrary to the laws:

By taking the children of Proteſtant noblemen and gentlemen, ſending and keeping them abroad, to be bred Papiſts, making great fonds and dotations* to popiſh ſchools and colledges abroad; beſtowing penſions upon prieſts, and perverting Proteſtants from their religion, by offers of places, preferments and penſions:

By diſarming Proteſtants, while at the ſame time he imployed Papiſts in the places of greateſt truſt, civil and military, ſuch as chancellor, ſecretaries, privy counſellers, and lords of ſeſſion, thruſting out Proteſtants, to make room for Papiſts, and entruſting the forts and magazines of the kingdom in their hands:

By impoſing oaths contrary to law:

By giving gifts and grants for exacting money, without conſent of parliament, or convention of eſtates:

By

* Funds and donations.

By levying or keeping on foot a ſtanding army in time of peace, without conſent of parliament, which army did exact locality, free and dry quarters;

By imploying the officers of the army, as judges through the kingdom, and impoſing them where there were heretable offices and juriſdictions, by whom many of the leidges were put to death ſummarly, without legal trial, jury, or record:

By impoſing exorbitant fines, to the value of the parties eſtates, exacting extravagant bale; and diſpoſing fines and forfaultures before any proceſs or conviction:

By impriſoning perſons, without expreſſing the reaſon, and delaying to put them to trial;

By cauſing purſue and forfault ſeveral perſons upon ſtretches of old and obſolete laws, upon frivolous and weak pretences, upon lame and defective probations; as particularly the late Earl of Argyle, to the ſcandal and reproach of the juſtice of the nation:

By ſubverting the right of the royal burghs, the third eſtate of parliament, impoſing upon them not only magiſtrates, by alſo the whole town council, and clerks, contrair to their liberties, and expreſs charters, without the pretence either of ſentence, ſurrender, or conſent; ſo that the commiſſioners to parliaments being choſen by the magiſtrates and council, the king might in effect als well nominate that entire eſtate of parliament; and many of the

ſaids magiſtrates put in by him, were avowed Papiſts; and the burghs were forced to pay money for the letters impoſing theſe illegal magiſtrates and councils upon them:

By ſending letters to the chief court of juſtice; not only ordaining the judges to ſtop and deſiſt *ſine die* to determine cauſes; but alſo ordering and commanding them how to proceed, in caſes depending before them, contrary to the expreſs laws; and by changing the nature of the judges gifts *ad vitam aut culpam*, and giving them commiſſions *ad bene placitum*, to diſpoſe them to compliance with arbitrary courſes, and turning them out of their offices, when they did not comply:

By granting perſonal protections for civil debts, contrary to law:

All which are utterly and directly contrary to the known laws, ſtatutes and freedoms of this realm.

Therefore the eſtates of the kingdom of Scotland, find and declare, that King James the Seventh being a profeſt Papiſt, did aſſume the regal power, and acted as king, without ever taking the oath required by law, and hath, by the advice of evil and wicked counſellors, invaded the fundamental conſtitution of the kingdom, and altered it from a legal limited monarchy, to an arbitrary deſpotick power, and hath exerciſed the ſame, to the ſubverſion of the Proteſtant religion, and the violation of the laws and liberties of the kingdom, inverting all the ends of go-

vernment,

vernment, whereby he hath forfaulted the right to the crown, and the throne is become vacant.

And whereas his Highneſs, William then Prince of Orange, now King of England, whom it hath pleaſed the Almighty God to make the glorious inſtrument of delivering theſe kingdoms from Popery and arbitrary power, did, by the advice of ſeveral lords and gentlemen of this nation, at London for the time, call the eſtates of this kingdom to meet the fourteenth of March laſt, in order to ſuch an eſtabliſhment, as that their religion, laws and liberties, might not be again in danger of being ſubverted; and the ſaids eſtates being now aſſembled, in a full and free repreſentative of this nation, taking to their moſt ſerious conſideration, the beſt means for attaining the ends aforeſaid, Do, in the firſt place, as their anceſtors in the like caſes have uſually done, for the vindicating and aſſerting their antient rights, and liberties, declare,

That by the law of this kingdom, no Papiſt can be king or queen of this realm, nor bear any office whatſoever therein; nor can any Proteſtant ſucceſſor exerciſe the regal power, until he or ſhe ſwear the coronation oath:

That all proclamations aſſerting an abſolute power, to caſs, annull, and diſable laws, the erecting ſchools and colleges for Jeſuits, the inverting Proteſtant chapels and churches to publick maſs-houſes, and the allowing maſs to be ſaid, are contrary to law:

That the allowing popiſh books to be printed and diſperſed, is contrary to law:

That the taking the children of noblemen, gentlemen, and others, ſending and keeping them abroad to be bred Papiſts, the making fonds and dotations to popiſh ſchools and colledges, the beſtowing penſions on prieſts, and the perverting Proteſtants from their religion, by offers of places, preferments, and penſions, are contrary to law:

That the diſarming of Proteſtants, and imploying Papiſts in the places of greateſt truſt, both civil and military, the thruſting out Proteſtants, to make room for Papiſts, and the intruſting Papiſts with the forts and magazines of the kingdom, are contrary to law:

That the impoſing oaths without authority of parliament, is contrary to law:

That the giving gifts or grants, for raiſing of money, without the conſent of parliament, or convention of eſtates, is contrary to law:

That the imploying the officers of the army as judges through the kingdom, or impoſing them where there were heretable officers and juriſdictions, and the putting the leidges to death ſummarly without legal trial, jury, or record, are contrary to law:

That the impoſing of extraordinary fines, the exacting of exorbitant bale, and the diſpoſing of fines,

and

and forfeitures before ſentence, are contrary to law:

That the impriſoning perſons, without expreſſing the reaſon thereof, and delaying to put them to trial, is contrary to law:

That the cauſing purſue and forfeit perſons, upon ſtretches of old and obſolete laws, upon frivolous and weak pretences, upon lame and defective probation, as particularly the late Earl of Argyle, are contrary to law:

That the nominating and impoſing the magiſtrats, councils, and clerks upon burghs, contrary to their liberties and expreſs charters, is contrary to law:

That the ſending letters to the courts of juſtice, ordaining the judges to ſtop or deſiſt from determining cauſes, or ordaining them how to proceed in cauſes depending before them, and the changing the nature of the judges gifts *ad vitam aut culpam*, into commiſſions *durante bene placito*, are contrary to law:

That the granting perſonal protections for civil debts, is contrary to law:

That the forcing the leidges to depone againſt themſelves in capital crimes, however the puniſhment be reſtricted, is contrary to law:

That

That the uſing torture without evidence, or in ordinary crimes, is contrary to law:

That the ſending of an army in an hoſtile manner, upon any part of the kingdom, in a peaceable time, and exacting of locality, and any manner of free quarters, is contrary to law;

That the charging of the leidges with law-borrows at the king's inſtance, and the impoſing of bonds without the authority of parliament, and the ſuſpending advocates from their imployment, for not compearing when ſuch bonds were offered, were contrary to law;

That the putting of garriſons in private mens houſes in time of peace, without their conſent, or the authority of parliament, is contrary to law;

That the opinions of the lords of ſeſſion in the two caſes following, were contrary to law, viz. 1. That the concealing the demand of a ſupply for a forefaulted perſon, although not given, is treaſon. 2. That perſons refuſing to diſcover what are their private thoughts and judgements, in relation to points of treaſon, or other mens actions, are guilty of treaſon:

That the fyning huſbands for their wives withdrawing from the church, was contrary to law:

That prelacy and the ſuperiority of any office in the church, above preſbyters, is, and hath been, a great

great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people, ever since the Reformation, (they having reformed from Popery by presbyters) and therefore ought to be abolished;

That it is the right and priviledge of the subjects, to protest for remeed of law to the king and parliament, against sentences pronounced by the lords of session, providing the same do not stop execution of these sentences;

That it is the right of the subjects to petition the king, and that all imprisonments and prosecutions for such petitioning, are contrary to law;

That for redress of all grievances, and for the amending, strengthning and preserving of the laws, parliaments ought to be frequently called, and allowed to sit, and the freedom of speech and debate secured to the members.

And they do claim, demand, and insist upon all and sundry the premisses as their undoubted right and liberties; and that no declarations, doings, or proceedings, to the prejudice of the people, in any of the said premisses, ought in any ways to be drawn hereafter, in consequence or example; but that all forfeitures, fines, loss of offices, imprisonments, banishments, pursuits, persecutions, tortures, and rigorous executions be considered, and the parties lesed be redressed.

To

To which demand of their rights, and redreſſing of their grievances, they are particularly encouraged by his Majeſty the King of England, his Declaration for the kingdom of Scotland, of the , day of October laſt, as being the only means for obtaining a full redreſs and remedy therein.

Having therefore an entire confidence, that his ſaid Majeſty, the King of England, will perfect the deliverance ſo far advanced by him, and will ſtill preſerve them from the violation of their rights, which they have aſſerted, and from all other attempts upon their religion, laws and liberties:

The ſaids eſtates of the kingdom of Scotland, do reſolve that WILLIAM and MARY, King and Queen of England, France and Ireland, Be, and be declared King and Queen of Scotland, to hold the Crown and Royal dignity of the ſaid Kingdom of Scotland, to them the ſaid King and Queen, during their lives, and the longeſt liver of them; and that the ſole and full exerciſe of the regal power, be only in, and exerciſed by him the ſaid King, in the names of the ſaid King and Queen, during their joint lives, and after their deceaſe, the ſaid Crown and royal dignity of the ſaid kingdom, to be to the heirs of the body of the ſaid Queen; which failing, to the Princeſs Ann of Denmark, and the heirs of her body; which alſo failing, to the heirs of the body of the ſaid WILLIAM King of England.

And they do pray the ſaid King and Queen of England to accept the ſame accordingly.

An

And that the oath hereafter mentioned, be taken by all Proteſtants, of whom the oath of allegiance, and any other oaths and declarations might be required by law, inſtead of them; and that the ſaid oath of allegiance, and other oaths and declarations may be abrogated.

I A. B. *Do ſincerely promiſe and ſwear, That I will be faithful, and bear true allegiance to their Majeſties King* WILLIAM *and Queen* MARY. *So help me* GOD.

And that the oath hereafter mentioned, be taken by all Protestants, of whom the oath of allegiance, and any other oaths and declarations might be required by law, instead of them; and that the said oath of allegiance, and other oaths and declarations may be abrogated.

I A. B. Do sincerely promise and swear, That I will be faithful, and bear true allegiance to their Majesties King WILLIAM and Queen MARY. So help me GOD.

4. OC 58